

## REMARKS

Claims 1-41 are pending in the application. Claims 1, 8, 15, 26 and 37-41 have been amended. Reconsideration of this application is respectfully requested.

The Office Action rejects claims 1-41 under 35 U.S.C 103(a) as unpatentable over U.S. Patent No. 5,613,113 to Goldring, hereafter Goldring.

Independent claims 1, 8, 15, 26 and 37-41 have been amended to clarify that the “event” and the “activity are of the “process”. Thus, for example, claim 1 now recites in combination that event data of the process is collected and that the event data is processed according to a data structure that defines the event and an activity of the process having an interval that frames the event.

Goldring does not teach the step of processing the event data and an activity of the process having an interval that frames the event. The Examiner references Goldring’s column 3, lines 35-58, column 4, lines 8-18 and the Abstract. However, the referenced passages do not teach the claimed processing step. The Examiner admits that “Goldring does not clearly teach event data according to a data structure that defines the event and an activity.”

It should be noted that independent claims 1, 8, 15, 26 and 37-41 each recite a data structure that defines the event and an activity of the process having an interval that frames the event. Goldring’s time stamps do not teach a data structure that defines an event and an activity of a process wherein the activity has an interval that frames the event. Rather, Goldring’s time stamps are inserted into activity log 32 based on the occurrences of any of a plurality of users initializing a new copy of an existing data table via a snapshot request. See column 4, lines 4-7. These time stamps are totally independent of any particular transaction and merely serve as an indicator of an approximate time of update events that occur after the time stamp. Thus, events 68, 70,

72, 74, 76, 78, 80 and 82 in Fig. 3 are referenced to time stamp 66. Goldring's time stamp is merely a time reference marker and not an activity that has an interval that frames an event of a process. Thus, Goldring's time stamps are independent of any particular transaction or activity and do not frame any event.

The Examiner alleges that Goldring teaches event data and activity of the event stored in a relational database, or as a data structure of relational data base in the format of tables, citing column 3, lines 10-17, and column 4, lines 14-26. These passages do not teach or suggest the claimed processing step.

The Examiner concludes that based on Goldring's disclosure of database tables it would be obvious to one of ordinary skill in the art to modify Goldring "by processing event data and activity from a structure of database table of Goldring because that would provide Goldring easily to access/process the event data and activity". This conclusion is erroneous because Goldring contains no teaching of the claimed processing step or any suggestion that leads or motivates one of ordinary skill to make such a modification.

The Office Action suggestion to modify Goldring is improperly based on the hindsight of Applicants' disclosure. Such hindsight reconstruction of the art cannot be the basis of a rejection under 35 U.S.C. 103. The prior art itself must suggest that modification or provide the reason or motivation for making such modification. In re Laskowski, 871 F.2d 115, 117, 10 USPQ 2d 1397, 1398-1399 (CAFC, 1989). "The invention must be viewed not after the blueprint has been drawn by the inventor, but as it would have been perceived in the state of the art that existed at the time the invention was made." Sensonics Inc. v. Aerosonic Corp. 38 USPQ 2d 1551, 1554 (CAFC, 1996), citing Interconnect Planning Corp. v. Feil, 774 F. 2d 1132, 1138, 227 USPQ 543, 547 (CAFC, 1985).

With respect to claim 15, the Examiner alleges that the activity is defined by the event transactions. However, the Examiner is confusing the data which is returned to a user in response to a snapshot update request, with the data structure used by Goldring to

collect, process, store and retrieve event data from activity log 32. The latter data structure includes activity log 32 that stores the updates of all users intermingled with one another with arbitrary time stamps interspersed therein. This is the data that Goldring collects, processes, stores and retrieves. There is no teaching in Goldring to collect, process, store and retrieve data according to a data structure of an event of a process framed by an activity of the process.

Since Goldring does not teach an activity of a process that frames an event of the process, Goldring does not teach the activity features recited in claims 2, 4-6, 9, 11-13, 16, 18-20, 22-25, 27, 29-31 and 33-36.

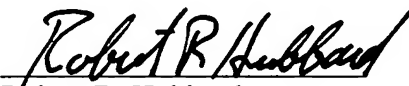
For the reasons set forth above, it is submitted that the rejection of claims 1-41 under 35 U.S.C. 103(a) is erroneous and should be withdrawn.

The Office Action cites a number of patents that were not applied in the rejections of the claims. These patents have been reviewed, but are believed to be inapplicable to the claims.

It is respectfully requested for the reasons set forth above that the rejection under 35 U.S.C. 103(a) be withdrawn, that claims 1-41 be allowed and that this application be passed to issue.

Respectfully Submitted,

Date: 8/18/04

  
Robert R. Hubbard  
Reg. No. 22,438  
Attorney for Applicants  
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.  
One Landmark Square, 10<sup>th</sup> Floor  
Stamford, CT 06901-2682  
(203) 327-4500